

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MARYANN NICOLE SIPE,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHAWN LARRY SIPE,

Respondent-Appellant,

and

PATRICIA SIPE,

Respondent.

In the Matter of SHAWNA SIPE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHAWN LARRY SIPE,

Respondent-Appellant,

and

MARY BAKER,

Respondent.

UNPUBLISHED
September 16, 2004

No. 254331
Cass Circuit Court
Family Division
LC No. 02-000001-NA

No. 254332
Cass Circuit Court
Family Division
LC No. 02-000002-NA

In the Matter of MARYANN NICOLE SIPE,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PATRICIA SIPE,

Respondent-Appellant,

and

SHAWN LARRY SIPE,

Respondent.

No. 254542
Cass Circuit Court
Family Division
LC No. 02-000001-NA

Before: Whitbeck, C.J., and Sawyer and Saad, JJ.

PER CURIAM.

In Docket Nos. 254331 and 254332, respondent father Shawn Sipe appeals from the trial court's orders that terminated his parental rights to his minor children, Shawna and Nicole Sipe under MCL 712A.19b(3)(c)(i) and (g). In Docket No. 254542, respondent mother Patricia Sipe appeals from the trial court order that terminated her parental rights to Nicole Sipe. The appeals have been consolidated for review. We affirm.

The court took jurisdiction over the minor children on grounds of neglect and abuse by respondent father, who later pleaded guilty to third-degree child abuse in connection with the incident which triggered FIA involvement. This incident included, among other things, placing dog choke collars around the necks of the minors and twisting them and kicking respondent mother in the stomach and pushing her outside in the snow. Importantly, this incident was simply one in a series of physical abuses inflicted on the children by their father.

During the wardship, respondent mother initially separated from respondent father. Both respondents underwent counseling, took parenting classes, and complied with visitation requirements. However, the couple later reconciled and entered marriage counseling. Professional opinion was unanimous that, after nearly two years of counseling, respondent father would not accept responsibility for his abuse of the children and respondent mother, and respondent mother had not truly separated from respondent father or accepted responsibility for her part in the conditions leading to foster care. Without acceptance of responsibility, meaningful change was unlikely and the abuse was likely to recur.

The trial court did not clearly err in terminating the parental rights of respondents under MCL 712A.19b(3)(c)(i). The conditions necessitating the wardship were environmental neglect, abuse by respondent father of the children and respondent mother, and respondent mother's inability or unwillingness to protect herself or the children. Nearly two years later, respondents continued to minimize and deny respondent father's role in his abuse of his wife and his children. Respondent mother had her own apartment, but had become secretive with her therapist and had made insufficient progress to indicate that she would be able to protect herself or Nicole from further abuse. The children were obviously traumatized by witnessing their father's abuse of their mother and by being physically abused by their father. Shawna understandably ceased visiting with respondent father and was adamant that she did not want to see him. Both children will require a great deal of therapy to overcome the effects of the abusive situation. There was ample basis for the trial court to conclude that the conditions of adjudication continued and would be unlikely to change within a reasonable time. *In re Sours, Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999).

The trial court also did not clearly err in terminating both respondents' parental rights under MCL 712A.19b(3)(g). Respondent mother failed to protect herself and her children from the father's physical abuse. Although respondents each complied with portions of their Parent-Agency Agreement, they failed at the most important requirements, which dealt with accepting responsibility and ensuring that the domestic violence would not recur. The children were clearly damaged and scarred by the violence in the home. The trial court did not clearly err by finding that respondents failed to provide proper care and custody and would be unable to do so in the reasonable future.

When a statutory ground for parental termination has been established by clear and convincing evidence, a trial court must terminate parental rights unless it finds from the entire record that the termination is clearly not in the child's best interests. *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review a trial court's decision whether a parental termination is against the child's best interests for clear error. *Id.* at 356-357. The evidence supported the trial court's determination on the best interests issue, and we have no definite and firm conviction that a mistake was committed in the trial court's orders. The children suffered both neglect and abuse from both parents and this intolerable situation was unlikely to improve. Accordingly, we hold that the trial court's finding with respect to this issue was not clearly erroneous.

Affirmed.

/s/ William C. Whitbeck
/s/ David H. Sawyer
/s/ Henry William Saad